

CYBERCLERK UPDATE
SUBMISSION OF CIVIL SUMMONS - ATTORNEY
SEPTEMBER 2006

The CyberClerk feature of CM-ECF has been updated to provide counsel a new method for submission of civil summons to the Clerk for issuance.

Currently new civil cases are electronically opened using the CM-ECF case opening module with payment of the filing fee via credit card through the docketing of the initiating document such as the civil complaint or notice of removal. Civil summons have been attached to the civil complaint event for issuance by the Clerk to be returned via regular U.S. mail.

With the recent update to the CyberClerk module, counsel will now be able to submit the civil summons electronically to the Clerk for issuance and docketing. The issued summons will now be retrieved via the Notice of Electronic Filing of the civil summons event. This new method will eliminate the period of delay in returning the issued summons to the filer previously created due to returning the form via conventional U.S. mail.

Counsel should create the civil summons in pdf format for each named defendant using the Administrative Office form, AO 440 located on our webpage.

The civil summons should be prepared and submitted after you have opened your new civil action so that it will include the assigned civil case number.

The summons can be submitted either separately or as one pdf document for each named defendant, **however, each summons must be complete with both pages of the AO 440 form per named defendant.** Failure to submit both pages per defendant will result in the Clerk's office requesting that the form be resubmitted in its entirety.

The form should be completed in compliance with Federal Rule of Civil Procedure 4(a), including :

- the case caption,
- directed to defendant to be served,
- name and address of the plaintiff's attorney, and
- state the time within which the defendant must appear and defend.

In the event of a deficiency in the submitted form, you will be contacted by a member of the Clerk's staff requesting a corrected form.

You will receive a notice of electronic filing (NEF) of the summons when it is entered on the court's docket. Use the NEF hyperlink to retrieve the issued form to effect service of process.